

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States Courts
Southern District of Texas
FILED

PACIFIC GULF SHIPPING CO.,

Plaintiff,

vs.

**ADAMASTOS SHIPPING & TRADING
S.A., VIGOROUS SHIPPING &
TRADING S.A., FEARLESS SHIPPING
& TRADING S.A.; BLUE WALL
SHIPPING LTD., PHOENIX SHIPPING
& TRADING S.A.; THALASSA
HOLDINGS S.A., ALASTOR MARINE
S.A., GEORGE GOURDOMICHALIS
and EFSTATHIOS
GOURDOMICHALIS,**

Defendants

MAR 11 2019

David J. Bradley, Clerk of Court

C.A. No. 4:19-cv-00727

Admiralty

**UNOPPOSED MOTION OF FEARLESS SHIPPING & TRADING S.A. FOR
ENTRY OF STIPULATED PROTECTIVE ORDER AND REQUEST TO
MAINTAIN CONFIDENTIALITY OVER CERTAIN DOCUMENTS**

Subject to its restricted appearance under Supplemental Admiralty Rule E(8) as owner of the *M/V FEARLESS* (“FEARLESS” or the “Vessel”), Defendant Fearless Shipping & Trading S.A. (“Fearless Shipping”) respectfully moves the Court for the entry of the Stipulated Protective Order attached hereto as Exhibit 1, as discussed during the March 7, 2019 hearing with the Court and opposing counsel. This motion is unopposed by Plaintiff Pacific Gulf Shipping Co. (“Pacific”).

I. ARGUMENT

In connection with unsealing the case file and returning this matter to the public docket, Fearless Shipping requests that the Court issue the proposed protective order attached hereto as

Exhibit 1, in order to maintain the confidentiality of those documents and materials which the parties deem to constitute confidential, proprietary information.

Numerous documents and deposition transcripts from the expedited discovery proceedings that occurred in December 2018 and January 2019 in the matter styled *Pacific Gulf Shipping Co. v. Adamastos Shipping & Trading, S. A. et. al.*, 3:18-cv-2076 (D. Or.) are referenced in the complaint Pacific filed in this proceeding. Those materials were made subject to a Protective Order entered in the Oregon proceeding attached as Exhibit 1 to Pacific's *Motion to File Under Seal.*¹

In this proceeding, as the Court requested during the March 7, 2019 hearing, Fearless has reviewed its filed exhibits (and the exhibits filed by Plaintiff), in order to identify those documents that should remain sealed due to the parties' legitimate private interests in protecting against public disclosure of "business agreements, trade secrets, or commercial information." *See Bock v. Pressler & Pressler, LLP*, C.A. No. 11-7593 (KM/MCA), 2014 U.S. Dist. LEXIS 39581, 2014 WL 1233039, at *3 (D.N.J. Mar. 25, 2014). Fearless Shipping accordingly requests that the following exhibits should remain under seal, as outlined below and as referenced in the proposed order submitted with this motion:

FILING	EXHIBIT NO. / BATES RANGE	REASON FOR MAINTAINING CONFIDENTIALITY
Plaintiff's Complaint	Ex. 24, Phoenix Shipping Bank Records, VIG00952	Exhibit contains a Defendant's bank account number and information

¹ For the reasons stated at the March 7, 2019 hearing, Fearless Shipping maintains that this action and the action filed by Pacific in Oregon are wholly meritless and that in each case Pacific has failed to state a *prima facie* valid admiralty claim.

FILING	EXHIBIT NO. / BATES RANGE	REASON FOR MAINTAINING CONFIDENTIALITY
Fearless' Motion to Vacate	Ex. A, Fearless Shipping Bank Records, FEA00126-530	Exhibit contains a Defendant's bank account number and information
Fearless' Motion to Vacate	Exhibits 30 to 34 of Exhibit F, Transcript of Deposition of George Gourdomichalis, specifically Ex. 30 - Blue Wall BoD Report (VIG01576-2012); Ex. 31 - Blue Wall BoD Resolutions (VIG02013-2230); Ex. 32 - Deloitte Report on Blue Wall, VIG05622-5832 ; Ex. 33 - Auditor's Report and Financial statements for Blue Wall (VIG05833-5950); Ex. 34 - Auditor's Report and Financial statements for Vigorous Shipping (VIG05951-6047)	Exhibit contains a Defendant's corporate financial and accounting / auditing information
Fearless' Motion to Vacate	Ex. I, Phoenix Bank Records for 2014-2018 (VIG00085-1005)	Exhibit contains a Defendant's bank account number and information
Fearless' Motion to Vacate	Ex. J, Blue Wall Bank Records (VIG03804-3931); Phoenix and Adamastos Financial Documents (VIG06231-6276)	Exhibit contains a Defendant's bank account number and information

II. CONCLUSION

For the reasons addressed during the March 7, 2019 hearing before your Honor, and for those outlined above, Fearless requests that the Court enter the attached proposed Protective Order and, pursuant to that Order, continue to seal the documents referenced above.

Respectfully submitted,

BLANK ROME LLP

/s/ Keith B. Letourneau

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CERTIFICATE OF CONFERENCE

I certify that I have communicated with counsel for Plaintiff and they are UNOPPOSED to this Motion and the relief requested therein.

/s/ Keith B. Letourneau

Keith B. Letourneau

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing instrument was served upon all counsel of record pursuant to Rule 5 of the Federal Rules of Civil Procedure, via the Court's CM/ECF system, on this 11th day of March, 2019.

/s/ Keith B. Letourneau

Keith B. Letourneau